

January 18, 2023

Honorable Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: **Voluntary dismissal of writs of execution re: Venezuela Ministry of Finance**
Stansell et al. v. FARC et al. Case No. 16-mc-405-LGS-SN
Pescatore et al. v. Pineda and FARC, Case No. 18-mc-545-LGS-SN (Related Case)

Dear Judge Netburn:

The parties held a lengthy conference on January 12, 2023 and there is no opposition to the Stansell/Pescatore plaintiffs' request to voluntarily dismiss their writs of execution on the Venezuela Ministry of Finance account(s) held by Citibank, N.A. Accordingly, plaintiffs have attached a proposed Order dismissing the writs with prejudice, vacating the Ex Parte Order as moot, and directing the Clerk to terminate Plaintiffs' turnover motions on the Ministry of Finance writ and accounts. All parties have agreed to the form of this proposed Order.¹

The Ministry of Finance intends to move to vacate the A/I order on the merits and not just as moot. This will be filed contemporaneous with the Ministry's response to Citibank's interpleader complaint, which response is due January 25, 2023.

Mr. Caballero agrees with Stansell/Pescatore that the dismissal of their writs of execution moots any substantive challenge to the Ex Parte Order that issued the writs and that such Ex Parte Order can be vacated as moot. Caballero opposes, as wholly unnecessary, the Ministry of Finance's proposal that dismissal of the Ex Parte Order be addressed on the merits. Caballero, who will be proceeding against the Ministry of Finance, has a similar order. Thus, any challenge to the merits should be adjudicated in that separate adversarial process.

Counsel for Mr. Caballero, the Ministry and Citibank also are still conferring about Mr. Caballero's intention to move to dismiss the Citibank-Ministry of Finance interpleader [Doc. No. 280] now that he is the sole judgment creditor executing on the Ministry account, which Citibank and the Ministry intend to oppose. They will write separately to the Court with their proposal on their respective motions.

All parties will still be submitting their joint letter by January 27, 2023 addressing Your Honor's request for the parties' proposals on what the Court should focus on during the next 90 days.

¹ These writs do not involve SIX SIS Ltd. and therefore SIX does not take any position with regard to the issues discussed in this letter. These writs also do not involve the PDVSA Subsidiaries. The PDVSA Subsidiaries represented by White & Case object only to the extent Marcos D. Jimenez is not an authorized representative of the legitimate, U.S.-recognized government of Venezuela or its state-owned entities. See ECF Nos. 427, 434.

Respectfully submitted,

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